

FIRST REGULAR SESSION

# SENATE BILL NO. 154

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

0939S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 197.135, RSMo, and to enact in lieu thereof one new section relating to forensic examinations of victims of sexual offenses.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 197.135, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 197.135, to read as follows:

197.135. 1. Beginning January 1, 2023, or no later than six months after the establishment of the statewide telehealth network under section 192.2520, whichever is later, any hospital licensed under this chapter shall perform a forensic examination using an evidentiary collection kit upon the request and consent of the victim of a sexual offense, or the victim's guardian, when the victim is at least fourteen years of age. In the case of minor consent, the provisions of subsection 2 of section 595.220 shall apply. Victims under fourteen years of age shall be referred, and victims fourteen years of age or older but less than eighteen years of age may be referred, to a SAFE CARE provider, as such term is defined in section 334.950, for medical or forensic evaluation and case review. Nothing in this section shall be interpreted to preclude a hospital from performing a forensic examination for a victim under fourteen years of age upon the request and consent of the victim or victim's guardian, subject to the provisions of

19 section 595.220 and the rules promulgated by the department  
20 of public safety.

21       2. (1) An appropriate medical provider, as such term  
22 is defined in section 595.220, shall perform the forensic  
23 examination of a victim of a sexual offense. The hospital  
24 shall ensure that any provider performing the examination  
25 has received training conducting such examinations that is,  
26 at a minimum, equivalent to the training offered by the  
27 statewide telehealth network under subsection 4 of section  
28 192.2520. Nothing in this section shall require providers  
29 to utilize the training offered by the statewide telehealth  
30 network, as long as the training utilized is, at a minimum,  
31 equivalent to the training offered by the statewide  
32 telehealth network.

33       (2) If the provider is not a sexual assault nurse  
34 examiner (SANE), or another similarly trained physician or  
35 nurse, then the hospital shall utilize telehealth services  
36 during the examination, such as those provided by the  
37 statewide telehealth network, to provide guidance and  
38 support through a SANE, or other similarly trained physician  
39 or nurse, who may observe the live forensic examination and  
40 who shall communicate with and support the onsite provider  
41 with the examination, forensic evidence collection, and  
42 proper transmission and storage of the examination evidence.

43       3. The department of health and senior services may  
44 issue a waiver of the telehealth requirements of subsection  
45 2 of this section if the hospital demonstrates to the  
46 department, in writing, a technological hardship in  
47 accessing telehealth services or a lack of access to  
48 adequate broadband services sufficient to access telehealth  
49 services. Such waivers shall be granted sparingly and for

50 no more than a year in length at a time, with the  
51 opportunity for renewal at the department's discretion.

52 4. The department shall waive the requirements of this  
53 section if the statewide telehealth network established  
54 under section 192.2520 ceases operation, the director of the  
55 department of health and senior services has provided  
56 written notice to hospitals licensed under this chapter that  
57 the network has ceased operation, and the hospital cannot,  
58 in good faith, comply with the requirements of this section  
59 without assistance or resources of the statewide telehealth  
60 network. Such waiver shall remain in effect until such time  
61 as the statewide telehealth network resumes operation or  
62 until the hospital is able to demonstrate compliance with  
63 the provisions of this section without the assistance or  
64 resources of the statewide telehealth network.

65 5. The provisions of section 595.220 shall apply to  
66 the reimbursement of the reasonable costs of the  
67 examinations and the provision of the evidentiary collection  
68 kits.

69 6. No individual hospital shall be required to comply  
70 with the provisions of this section and section 192.2520  
71 unless and until the department provides such hospital with  
72 access to the statewide telehealth network for the purposes  
73 of mentoring and training services required under section  
74 192.2520 without charge to the hospital.

75 **7. A specialty hospital shall be considered exempt**  
76 **from the provisions of this section and section 192.2520 if**  
77 **such hospital has a policy for the transfer of a victim of a**  
78 **sexual offense to an appropriate hospital with an emergency**  
79 **department. As used in this section, "specialty hospital"**  
80 **shall mean a hospital licensed under this chapter and**

81 designated by the department as something other than a  
82 general acute care hospital.

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